

1901-043 Chancery Causes: Martha Robbins vs. Adm. of Franklin P. Robbins & Lee Co.

Flanary, Moor, Moore, Hoover, Smith

CA-Estate Dispute  
T-Property



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

Humbly complaining, your oratrix, Martha Robbins, would respectfully represent unto your honor, that her husband Franklin P. Robbins by the hands of a murderer departed this life on the <sup>1899</sup> day of May, ~~1898~~ intestate; that previous to his death, to-wit, on the day of Oct., 1895, the said Franklin P. Robbins conveyed and deeded to your oratrix all his estate, both real and personal; that at the time of this conveyance he had a small personal estate, consisting of some hogs, sheep, cattle and horses; that whatever estate he had at that time, and all its accretions, rents and profits belong now to your oratrix; that said deed was delivered to your oratrix, and she by virtue of the same took all his property he then owned and used and claimed it as her own, a copy of which deed is here filed as a part of this bill, marked "D", and prayed to be taken in connection herewith.

Your oratrix will further show unto your honor that in June 1897 and June 1898, her father gave her in cash \$355.50; that a part of that sum, to-wit the sum of \$155.00 she paid out to lawyers to prosecute the man who killed her said husband, and she loaned to W. R. Robbins \$51.56, and the residue she bought cattle with, and turned over to E. S. Flanary Admr. of said F. P. Robbins, the sum of \$129.75 and the residue she bought cattle with, which were sold by said Flanary for the sum of \$127.75.

Your oratrix will further show unto your honor, that when her said husband died he had no property whatever in his own right, but all the *consisting of hogs, corn, cattle, horses & mules* personal estate left on the place at the time of his death, belonged to her; yet through a mutual mistake of both the law and facts connected with the said property, the said Flanary took possession of all the personal property on the premises, and sold the same, he also demanded the notes or choses in action and money, which your oratrix likewise turned over to him; but the entire amount of the same your oratrix does not know, as said Flanary has not turned over to the Commissioner of accounts any sale bill or invoice of what did go into his hands.

Your oratrix will further show unto your honor, that at the ~~time~~ time ~~of~~



said property went into said ~~Flanary~~ Flanary's hands she lived in the Crab Orchard country, far removed from the court house of the county, and from any lawyer; and she was told by old citizens of that neighborhood that she could not sell or dispose of any of the property left on the preises even though it did belong to her so as to pass title to the purchaser; but that ~~xxxx~~ an administrator would have to be appointed by the court and he take charge of the same and sell it, and collect the debts, and when he had done so, and had got the money into his hands, then the money would be paid over to your oratrix; and she being a women of but little experience in such affairs supposed this to be correct and allowed said Flanary to take charge of all her personal property and money, under the belief and under the assurance even ~~from~~ <sup>of</sup> said Flanary that such was necessary in law and that she would get the money all back she turned over to him, and the net proceed<sup>s</sup> of the sales of her property and notes. And your oratrix, nor did the said Flanary know but what the lawful course had been taken until recently, when she and he met <sup>at</sup> Jonesville for the purpose of settling up, and he paying over to her the money that was in his hands; <sup>they</sup> there were informed by several lawyers that the course which had been taken with reference to her property ~~xxxxxx~~ was not required by law, and that the said Flanry could not safely pay over the money in his hands without first having the judgement of the Court in regard to the same.

Your oratrix will further represent unto your honor that the said Franklin P. Robbins left surviving him as his heirs at law and distributess eight little children, to wit = John C. Robbins, R. Minnie Robbins, Margaret E. Robbins, Walter T. Robbins, Ida J. Robbins, Thomas B. Robbins, William A. Robbins, and James P. Robbins; that each of these children are under twenty-one years old, and live with your oratrix, and she has to keep them up the best way she can,

Your oratrix will further show unto your honor that the said Franklin P. Robbins was not indebted in any sum of money to any person at the time of his death; that she has paid his burial expenses, and no one but <sup>and his said children</sup> herself <sup>has</sup> any claim on said fund in said Flanary's hands, ~~but herself~~.



The premises considered, your oratrix is advised that she has rights in said funds now in the hands of said Flanary as administrator of Franklin P. Robbins, which are cognizable only in a court of equity; that she is entitled to the funds in his hands as such administrator; that owing to the fact that she does not know the amount in said administrators hands, she is entitled to have a commissioner under your honor's direction appointed to ascertain what is in his hands, and from what property derived, in the event said Flanary does not truly answer ~~xxxx~~ in this cause what is in his hands.

The prayer therefore, of your oratrix is that said E.S. Flanary, as administrator of said F.P. Robbins, John C. Robbins, R. Minnie Robbins, Margaret Robbins, Walter T. Robbins, Ida J. Robbins, Thomas B. Robbins and James P. Robbins be made parties defendants to this bill of complaint, that <sup>they</sup> be required to answer the same but they need not do so on oath, as that is waived; that a guardian ad litem be appointed for said infants to defend for them; that said Flanary be specially required to answer what sum of money is in his hands as such administrator of said Franklin P. Robbins, and from what source derived. And that on a final hearing of this cause your honor decree that said Flanary pay over to her the amount of money in his hands as administrator of said Robbins, instead of paying her only one-third of the same and the residue to said children of said F.P. Robbins; but if she should be mistaken in demanding the whole of the sum in his hands, that she be decreed to <sup>be</sup> paid the sum she got from her father, and the amount for which the cattle sold, ~~for~~ which her money bought, and the money derived from the sale of the corn which was sold, because it was raised off of her lands. And that all other and further and general relief be awarded her that the nature of her cause and good conscience may require. And she will ever pray, etc. May Spa. issue etc.

Summington Bros L. G.  
for Martin Robbins



Martha Robbins

vs } Bill

John C. Robbins & al

Ex. 1000, with number  
number of the bill



To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County:

The separate answer of E. S. Flaamary, as administrator of Franklin P. Robbins, decd., to a bill of complaint filed in this honorable court by Martha Robbins against him and others:

And for answer to said bill or to so much thereof as he is advised that it is material for him to answer, answering he says, That he supposes that it is true that the said complainant is the widow of his decedent; that the said Franklin P. Robbins in his life time made to said Martha a deed to all his property, both real and personal; that your respondent was duly appointed administrator of said Franklin P. Robbins; that as such administrator he took possession of and sold corn, hogs, cattle, horses and mules, etc, which brought the sum of \$.....; that there was turned over to him by the said complainant two notes amounting in the aggregate to the sum of \$.....; that she turned over to him the sum of \$129.75 in cash, aggregating in the aggregate to the sum of \$654.49; that at the time these things were turned over to him, he was informed of the existence of said deed of said Franklin P. Robbins, and that thereby possibly by virtue thereof all the property which went into his hands were property of said complainant; yet he was of the opinion that by law it was his duty to take the same and sell it, collect the money represented by the notes, etc. and the net proceeds after deducting expenses of administration pay the residue over to said complainant and this he so informed the said complainant, and she then with the assurance that she would get back the money turned over to your respondent, and the net proceeds of sales of the property sold, she consented to allow the same sold, believing that the lawful course was being taken in regard to the same, and your respondent believed that *when* also, and did not know any better until in July, 1901, *he* and said complainant met at Jonesville to settle up the matter.

Your respondent further supposes it to be true that said Franklin P. Robbins owed no debts or was in any wise liable to any one for money at the time of his death; that his burial expenses has been paid; that there is no liability existing upon his estate; that he left surviving him as his heirs at law and distributees the eight minor children mentioned and named in said



complainant's bill; and that at the time said complainant filed her bill he had made no settlement with the commissioner of accounts, for he had supposed such was unnecessary, as he was under the belief said complainant was entitled to the fund in his hands, and she being sui juris, he could make a complete settlement with her alone, without the expense of the inter-position of a commissioner of accounts. Your respondent will now show and represent unto your honor, that since the ~~fixing~~ filing of this suit, he has made a complete settlement of his administration account before the commissioner of accounts of this county, a copy of which he here files as a part of this his answer, and which shows that there is in his hands a net fund of \$572.47 which sum, less the amount to pay the taxes thereon for the coming year, he is ready to pay over to said complainant or to any other person or persons that your honor may decree <sup>the same</sup> to be paid to.

Now having answered said bill as fully and completely as he is advised that it is material for him to answer, he prays to be hence dismissed with his reasonable costs. And he will ever pray, etc.

E. S. Flauay Administrator



John C. Robbins

ans }  
ads } Est. Flanary

Martina Robbins



Martha Robbins Campbell

vs.

John C. Robbins et al vs. }  
John C. Robbins et al vs. }

This cause came this day to be heard upon the bill of the complainant and exhibits filed therewith, the answer of E. S. Alenay in his representative capacity; the answer of John C. Robbins, R. Minnie Robbins, Margaret Robbins, Walter A. Robbins, Ida J. Robbins, Thomas B. Robbins and James P. Robbins infants by W. K. Hopkins their guardian ad litem, the deposition of witnesses, and was argued by counsel:

On consideration of all which, and for reasons appearing to the court, ~~that~~ it is adjudged, ordered and decreed that the fund in said E. S. Alenay's hands as administrator of Frederick P. Robbins belongs to and is the property of said complainant, and not the fund,



money and property of the  
heirs of Franklin P. Robbins.  
It is therefore adjudged,  
ordered and decreed that  
said Complainant recover  
from said E. S. Flanary  
the sum of \$567.47 with  
interest thereon from June  
3<sup>rd</sup>, 1901 till paid, but no  
costs; and on the payment  
of said sum of money to  
said Complainant the said  
Flanary shall for ever be  
discharged from any lia-  
bility on his bond as ad-  
ministrator of said F. P.  
Robbins. And this cause  
is stricken from the docket.

Martha Robbins

vs  
E. S. Flanary

John L. Robbins

Entered on docket order  
Book No 7 Page 1

Entered this  
Nov. 6<sup>th</sup> 1901

Ex ce W. B. Shum



To Mr. E. S. Falanry, admr. etc John C. Robbins, R. Minnie Robbins, Margaret E. Robbins, Walter T. Robbins, Ida J. Robbins, Thomas B. Robbins, James A. Robbins, and William A. Robbins.

You are hereby notified that on the 1st. day of August, 1901, at the law office of E. W. Pennington in the town of Pennington Gap, Lee County, Va., between the hours of 7 A.M. and 6 P.M. of that day, I shall proceed to take the depositions of Joshua Moore and others to be read as evidence in my behalf, in a certain suit in equity depending in the Circuit Court for Lee County Va., wherein I am plaintiff and you are defendants; and if from any cause the taking of said depositions be not commenced, or if commenced be not completed on that day, the taking thereof will be adjourned from day to day and from time to time and from place to place and between the same hours, until the same is completed.

Yours Very truly,

Martah Robbins, by

Pennington Bros. P.O.



Martha Robbins

no } notice to take  
depositions

John C. Robbins et al

I hereby accept  
legal service  
of the within no-  
tice. This July  
22<sup>nd</sup> 1901

E. S. Flanagan

I hereby accept  
legal service  
of the within  
notice.

W. S. Hopkins  
G. A. Litton



The Deposition of Martha Robbins, James Moon, Elihu Hoover, Joshua Moon. et al  
Taken before me, A.B. Hyatt a N.P.  
for the county of Lee and state of  
Virginia, pursuant to notice hereto  
annexed at the law office of C.W.  
Pennington in the town of Pennington  
Gap Lee County, Virginia on the  
1<sup>st</sup> day of Aug. 1901 to be  
read as evidence in behalf of  
Martha Robbins in a certain suit  
in chancery now depending in  
the Circuit Court for Lee County  
wherein Martha Robbins is plaintiff  
and Jno. C. Robbins et al. are defendants.  
Present Pennington Bros  
for the plaintiff.

The witness of Martha Robbins  
being duly sworn deposes as  
follows:

Ques. 1. What was the name of  
your husband?

Ans. Franklin P. Robbins. He died  
on the 2<sup>nd</sup> day of May 1899.

Ques. 2. Before your marriage to  
said Robbins what was your



maiden name and who was your father?

Ans. My maiden name was Martha Moor. My father's name was Jesse Moor.

Ques. 3. State whether your father gave you any money if so when and how much?

Ans. He gave me \$200<sup>00</sup> ~~dollars~~ about the day of June 1897 and \$155.20 about the day of June 1898.

Ques. 4. On the 24th day of June 1895 your husband Franklin P. Robbins made you a deed to all his real and personal property a copy of which I here show you. Did you accept the real and personal estate conveyed you by said deed.

Ans. I did.

Ques. 5. What disposition did you make of the money which your father gave you

Ans. I bought on rather my husband for me bought cattle ~~for~~ ~~me~~ with a part of it. He loaned part of it for me. Part



of it I spent in the prosecution  
of the man who killed my husband  
\$129.75 of it I gave to adm.  
C. D. Flanory. Out of my money  
I spent \$155 to prosecute Holmes  
The balance is due me

Ques. 6.

There is filed with your  
bill an inventory of the notes  
and personal property which  
went into the hands of said  
C. D. Flanory as the property  
of your husband, now in fact  
was any of said property and  
notes etc the rightful property  
and effects of your husband

Answer.

None of the notes and property  
in said inventory was the property  
and effects of my husband  
They were mine.

Ques. 7

Then why did you allow  
the said Flanory to take said  
property and notes in his  
hands as the property of  
your husband?

Ans.

Because it was said  
that my husband being dead I



could not dispose of it myself. That it would have to be disposed of by an administrator of my husband but that I would get the money which said property would bring and what might be collected on the notes and also get back my money which I turned over to said administrator. And said adm. also told me this and on account of this I allowed him to take said property, notes, and money. I had asked no lawyer about it and supposed at the time and until right recently I would get the entire amount of said inventory.

Ques. 8.

Where was the corn raised that was sold by said administrator?

Ans.

All of it was raised on the land which my husband deeded me in said deed of June 24, 1895. The hogs, cattle, milk cows and corn were either property which my hus-



land had at the date of said deed or was bought by money given me by my father at the of spring of the property which he had at the date of said deed and conveyed to me thereby or was bought with proceeds of the lands conveyed me by said deed or the proceeds of the sale of property conveyed me by said deed.

Ques. 6. Are the children of Franklin P. Robbins mentioned in your bill also your children?

Ans. They are my children as well as his.

Ques. 7. Where do your children live? And who supports them?

Ans. They all live with me and I am supporting them as best I can. I own about sixty five acres of land in the state of cultivation, 2 Horses, and Three cows, and Two Hogs. I have also some \$300<sup>00</sup> money due me

~~Ques. 8.~~



And further This Deponent  
saith not.

Martha Robbins

James Moon another  
witness often being duly sworn  
deposes as follows:

Ques. 1. What is your age, res-  
idence and occupation?

Ans. I am 55 years old  
live in the Crab Orchard Country  
in this county and am a  
farmer. I am Mrs. Robbins,  
the plaintiff's Bro and an



will to The Children of Frank Robbins.

Ques. 2.

If you know of your father, Jesse Moor, giving his daughter Martha Robbins any money give the amount and date if you can.

Ans.

At the request of my father I wrote a check for him payable to said Plaintiff for \$153.50 on Jan. 11. 1898. Some time in 1897 I heard my father say he had \$200.00 for Martha Robbins which he was going to give her and my best recollection is that after my father told me this I heard Frank Robbins say that Mr Moor had given her the \$200.00. My father told me often that he had given her the \$200.00 I was looking after his business for him. my father is now dead.

Ques 3.

Were you present at the sale made by Mr. Flanary.

Ans.

I was present

Ques. 4.

Did you hear discussed Mrs Robbins's rights in the property if so state as near as you can what occurred



Mrs.

On that day the question came up as to the ownership of the property. Mrs. Robbins claimed the property under the deed which her husband had made her in his lifetime and the deed was brought out and I saw it then for the first time that I remember of. No lawyer was present or could take any advice from about the matter. Finally it was concluded to sell the property and to turn everything over to the administrator that would have to be done anyway and Mrs. Robbins would get the money for it.

And further This Deponent says not.  
James Moore

Witness  
claim 504  
P.L.

Elihu Stoores an other witness of lawful age being duly sworn deposes as follows:

I am 55 years old live in the Crab Orchard country in Lee County and within a mile and



a Hoof of the Plaintiff & her husband. Something like a year before Mr. Robbins was killed I heard him say that he had made a deed to the Plaintiff of all of his real and personal property. I know the land called for in his deed to her. I am confident that the greater part if not all of the corn sold by the administration was raised on the land which he had conveyed to his wife if not all of it was so raised. My recollection is that the Hogs sold by said administration were the offspring of two hogs he had at the time the deed was made.

And further this deponent saith not.

Elihu <sup>son of</sup> Hoover  
 sworn

Joshua Moore another witness of lawful age being duly sworn deposes as follows:

\* The deed told me over the same time that his wife's father had given her \$200.00 at one time and that there was then another \$150.00 in the bank for her which her father had given her.



I live in this county  
and am about 36 or 37  
years old and am a  
farmer, am a brother to the  
plaintiff and an uncle to  
Frank Robbins' eight children.  
My recollection is I was at my  
father's one day in Jan 1899  
and he had me to count out  
of his money \$200<sup>00</sup> for Martha  
Robbins. He afterwards told me  
he had given it to her.  
And my impression is Frank  
Robbins told me that my father  
had given her \$200<sup>00</sup>.

And further this deponent  
says not.

Joshua Moore

James Smith another  
witness of lawful age being  
duly sworn deposes as follows:

I was present at Frank  
Robbins' sale and some question  
came up about the right to sell  
the property on account of a  
deed having been made by Frank  
to his wife. I had seen the deed



before that day and I told her that I did not believe that a sale could be forced on her and called Harve Young up who was present and Mrs Robbins showed him the deed and he also said that he doubted that a sale was proper and then someone said that they had been informed that a sale would have to be had of the property at any rate. And my impression is that it was C. D. Flanary who said this they also said she would get the money in the property sold for. After this I don't think she made any further objections to a sale being made. The corn that was sold that day was principally if not all of it raised on the land which he had deeded to Mrs Robbins within a year before Frank Robbins was killed I heard him say that his wife's father had given her some money and he had loaned some of it to W. R. Robbins.



And further This Deponent  
oatheth not  
James Smith

Virginia Lee County to wit  
I. A. G. Ezell a Notary Public  
in and for the County and  
State aforesaid do hereby Certify  
that the foregoing Depositions  
of Martha Robbins James Moore  
Olin Hoover Joshua Moore  
and James Smith were taken  
sworn to, and subscribed  
before me, in my County  
aforesaid for the purposes  
mentioned in the Caption  
Given under my hand this  
1<sup>st</sup> day of August 1901.  
Albert J. N.P.

Martha Robbins  
vs Depositions  
John C Robbins et al  
Received by mail  
in good condition  
and filed August  
2nd 1901  
A. B. Munnery Clerk

Notary Fee \$2.25  
Witnesses .50



It is the undersigned appraisers  
have this appraised being  
duly sworn by James Smith  
J.P. the property and the same  
has been sold to the highest  
bidder as follows

One 1 year old calf, M. S. Callier	20 00
1 Gun to Martha Robbins	3 00
1 Saddle to Martha Robbins	3 00
25 bu. Corn to Alexander Robbins	6 25
25 " " " M. S. Callier	7 75
25 " " " H. S. Jones	10 00
25 " " " Alexander Robbins	9 00
Remainder to Martha Robbins at 20 cents per bushel amount to be put in when Corn is meas- ured by bushels	7 40
1 Hog to J. C. Robbins	7 25
1 Mule to F. H. Wilson	40 50
1 bull to Martha Robbins	30 00
4 - 2 yrs. old hileys to H. H. Stewart	86 10
7 Cattle to H. R. Robbins	97 25
1 Cow to J. C. Bailey	30 50
25 bushels of Corn to S. H. Bailey	9 25
25 " " " "	9 25
1 note on H. R. Robbins, a. S. Robbins & H. Stewart \$51.56 due May 12 <sup>th</sup> 1899.	51 56
One note on J. B. Moore & Jesse Moore of \$40.00 due June 10 <sup>th</sup> 1899 and bearing interest from Jan 10 <sup>th</sup> 1899	40 00
One note on Alexander Morris and Winnable Ely of \$51.68 bearing	



Interest from Nov. 21<sup>st</sup> 1898  
Cash this day turned over to  
Administrator  
Total

57 68

129 75

654 49

The above is a true statement  
of all the property, notes  
Cash came into our hands  
and was turned over to E. S.  
Flourey, as administrator. This  
8<sup>th</sup> day of June 1899.

H. R. Robbins }  
A. S. Robbins } Appraisers  
H. J. Jones }

\$ 30  
30



les Given Flanary adm or of  
F. P. Robbins

For Taxes for 1899

" " " 1900

\$8.32

P. 14



The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon *E. S. Flanary* Admin of the estate  
of *Franklin P. Robbins, and John C. Robbins, Rebecca M. Robbins, Margaret Robbins, Walter T. Robbins, Ida J. Robbins, Thomas D. Robbins, Wm. A. Robbins, James P. Robbins, Minors under the age 21 years*  
to appear at the Clerk's office of the Circuit Court of the County of Lee, at the rules to be held for the

said court, on the *3rd* Monday in *August* 1901, to answer a bill in  
chancery exhibited against *them* in our said court by *Martha Robbins*

And have then there this writ. Witness, A. B. Munsey, Clerk of our said Court, at the court-house,  
the *23rd* day of *July* 1901, and in the 12<sup>th</sup> year of the Common-  
wealth. A copy, Teste: *A. B. Munsey* Clerk.

Clerk.



I hereby accept legal service of the within Summons.

This July 24, 1901.

E. S. Flannery

Administrator of the estate of F. P. Robbins.

Martha Robbins

vs. }

SUBPOENA  
IN CHANCERY.

E. S. Flannery Administrator

P. Bros

p. q.

To 2<sup>nd</sup> August Rules.  
Circuit Court.



Martha Robbins

vs Bice in Chanc

John C. Robbins et al

2nd August rules 1901. bill  
filed Spa & entered on adult  
defts & G.A.L. filed & D.N.

1st Sept rules D.N. Confirmed  
& Cause set for hearing

Plffs Costs

Clerk 4.17

Tax 1.50

Shff 50

atty 15.00

G.A.L. 5.00

N.P. 225-

wits 50

\$28.92